

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY LAWRENCE,	:
Petitioner	:
v.	: Case No. 3:24-cv-213-KAP
MELISSA HAINSWORTH, WARDEN,	:
S.C.I. LAUREL HIGHLANDS,	:
Respondent	:

Memorandum Order

On September 12, 2024, petitioner Lawrence, imprisoned at S.C.I. Laurel Highlands (in Somerset County, in the Western District of Pennsylvania), submitted a petition for a writ of habeas corpus alleging that he is being held on charges in Lancaster County, see Commonwealth v. Lawrence, Case no. CP-36-CR-2460-2023 (C.P. Lancaster), that nothing is being done to move his case to trial, and that he is being denied a speedy trial under the Sixth Amendment. He further alleges that his efforts to discharge counsel and raise this issue *pro se* have been ignored.

Lancaster County is in the Eastern District of Pennsylvania. See 28 U.S.C. § 118(a). It appears likely that the witnesses and records relevant to the claims in the petition are centered in Lancaster County. Consistent with agreed practice in all three federal districts in Pennsylvania, this matter should be decided in the district of prosecution.

The Clerk shall transfer this matter to the United States District Court for the Eastern District of Pennsylvania for disposition of the petition as that Court deems appropriate. See 28 U.S.C. § 2241(d) (providing that the district of custody and the district of prosecution have concurrent jurisdiction and that “in the exercise of its discretion and in furtherance of justice” the court in which the petition is filed “may transfer the application to the other district court for hearing and determination.”) See also 28 U.S.C. § 1404(a) (“For convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.”)

For the authority of a Magistrate Judge to transfer a civil action, see Smith v. Ebbert, No. CV 20-1736, 2021 WL 1986416, at *1 n.2 (W.D. Pa. May 18, 2021), *citing inter alia* Bond v. McKean County, No. 4:19-CV-1535, 2019 WL 4452228, at *1 n.1 (M.D. Pa. Sept. 17, 2019). Petitioner has fourteen days to appeal this nondispositive order to a District Judge in this district. See 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(a). (In the absence of a timely appeal the Clerk will automatically transfer the matter to the Eastern District of Pennsylvania, no further action is required.)

Ruling on the motion to proceed *in forma pauperis*, ECF no. 5, is reserved for the transferee court.



DATE: October 16, 2024

Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

Anthony C. Lawrence, QP-5228
S.C.I. Laurel Highlands
5706 Glades Pike
Somerset, PA 15501